

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-27, 29-37, and 39-43 are pending in this application. Claims 28, 38, and 44 are canceled without prejudice or disclaimer of subject matter. Claims 1-27, 29-37, and 39-43 are amended.

It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Figure 43 was objected to as allegedly including reference character “381” not mentioned in the Specification. The Specification is amended, including the reference character “381” in Figure 43. Withdrawal of the objection is requested.

II. REJECTIONS UNDER 35 U.S.C. §101, §102(e) and §103(a)

Claim 27-28, 37-38, and 43-44 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Claims 9, 14-20, and 22-28 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,437,836 to Huang, et al. (hereinafter, merely “Huang”).

Claims 29, 31-40, and 42-44 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,898,762 to Ellis, et al. (hereinafter, merely “Ellis”).

Claims 1-8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ellis in view of Huang.

Claims 10-13 and 21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huang in view of Ellis.

Claims 30 and 41 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ellis in view of Official Notice.

III. RESPONSE TO REJECTIONS

A. Response to Rejections Under 35 U.S.C. §101

Claims 27, 37, and 43 are amended, thereby obviating the rejections.

B. Response to Rejections Under 35 U.S.C. §102(e) and §103(a)

Applicants respectfully submit that the following arguments/remarks are directed to features in claims 1, 9, and 29 and related claims respectively.

As understood by Applicants, Huang relates to a remote control for providing an implementation of an interface for remote control emulation. A PDA is used as a platform for the remote control application software and hardware.

As understood by Applicants, Ellis relates to a client-server interactive television program guide system. The system provides users with an opportunity to define expressions that are processed by the program guide server.

Claim 1 recites, *inter alia*:

“...establishing means for establishing preset information, when the portable information terminal apparatus is disconnected from the program information providing apparatus, for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means.” (emphasis added)

Applicants respectfully submit that Ellis and Huang, taken either alone or in combination, fail to teach or disclose the above-identified features of claim 1. Specifically, nothing is found that teaches or discloses establishing means for establishing preset information, when the portable information terminal apparatus is disconnected from the program information providing apparatus, for presetting a desired program to be recorded unattended based on said program information acquired by said acquiring means, as recited in claim 1.

Indeed, claim 1 recites establishing preset information, when the portable information terminal apparatus is disconnected from the program information providing apparatus. None of the references relied by the Office Action teaches or discloses the above-identified features of claim 1.

Therefore, for at least the foregoing reasons, Applicants respectfully submit that claim 1 is patentable.

Claims 5, 7, 26, and 27, which are similar in scope to claim 1, are also patentable for similar reasons.

Claim 9 recites, *inter alia*:

“...registering means for registering detailed information for designating said program information to be acquired by said acquiring means.” (emphasis added)

The Office Action (see page 4) relies on Figure 1A and step 414 of Figure 4 of Huang to reject registering means for registering detailed information for designating said program information to be acquired by said acquiring means, as recited in claim 9. Applicants respectfully submit that Huang’s registration information is for program in direct contrast with Applicant’s claimed registering detailed information for the program information. Applicants respectfully submit that Huang fails to disclose or suggest the above-identified features of claim 9.

Therefore, claim 9 is patentable.

Claim 29 recites, *inter alia*:

“...converting means for, based on a request from said information processing apparatus, retrieving said program information and said advertisement information from said storing means and then converting the retrieved information into data of a predetermined format compatible with said information processing apparatus.” (emphasis added)

The Office Action (see page 7) relies on column 1, line 65-column 2, lines of Ellis to reject converting means for, based on a request from said information processing apparatus, retrieving said program information and said advertisement information from said storing means and then converting the retrieved information into data of a predetermined format compatible with said information processing apparatus, as recited in claim 29. Applicants respectfully submit that Ellis converts data in accordance with the ways of sending in direct contrast with Applicants’ claimed converting data to be compatible with said information processing

apparatus. Applicants respectfully submit that Ellis fails to teach or suggest the above-identified features of claim 29.

Therefore, claim 29 is patentable.

Claims 36-37, 39, and 42-43, which are similar in scope to claim 29, are also patentable for similar reasons.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.


CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800